



DECISION MEMORANDUM
Feather Creek Corral Expansion
USDA Forest Service, Northern Region
Palouse Ranger District, Nez Perce – Clearwater National Forests
Latah County, Idaho



I. Decision

I have decided to authorize modifications and improvements to the Feather Creek Corral located on the Palouse Ranger District, Nez Perce-Clearwater National Forests, Latah County, Idaho, at T41N, R1W, SE Corner Section 12 (Boise Meridian), just north of privately-owned property. The reasons for my decision are as follows:

These corrals were built in the spring of 1990. Although they have required maintenance, they have managed to stay in workable condition but are inadequate in size and safety measures to fulfill current livestock needs.

Background

The Kendrick Cattlemen's Association (which runs on the West Fork Potlatch/Moose Creek Allotment), has requested permission to build two additional wood pens in correlation to the existing corral.

Seven different Association permittees run on this allotment and load out from these corrals. They need separate pens for ownership and to sort cow/calf pairs when hauling home post-season.

The corrals are too small, making space and safety an issue during the sorting process. Two additional corrals will provide more room to pen cattle, and space for proper and safe handling.

Design Specifications/Mitigation Measures

The Kendrick Cattlemen's Association will build a 52' x 33' corral coming east off the existing corral, and a 33' x 33' corral between the existing corral and riparian enclosure fence. Approximately 50 railroad ties will be used.

The labor for this project will be done by members of the Association, with the Forest Service furnishing the supplies. This project does not change access restrictions; no other entities or agencies need to be contacted for coordination.

Use of a light tractor with an attached auger will be used to dig approximately 56, three-foot deep holes, 8 inches in diameter, for placement of the railroad ties and gate posts. Approximately six smaller diameter trees will be cut down for the placement of the 53' x

33' corral site. The site location is an old hardened landing with a dispersed campsite containing the existing corral.

The goal is to implement both corrals by May of fiscal year 2014, depending on the weather and soil conditions.

II. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(9) *Implementation or modification of minor management practices to improve allotment condition or animal distribution when an allotment management plan is not yet in place.*

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions, 2) the proposed action meeting the purpose and need, 3) the findings related to extraordinary circumstances, discussed below, 4) the project's consistency with laws and regulations, including the Forest Plan, 5) the on-the-ground review and discussion with District resource specialists, and 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

B. Finding No Extraordinary Circumstances

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states "The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist."

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species:

The Interdisciplinary Team (ID Team) Botanist, and Wildlife and Fisheries Biologists determined the proposed actions will have no direct or indirect effect or impact on listed or sensitive plant, wildlife or fish species or habitat. Suitable habitat will not be altered because habitat is not present in the project area, habitat is present but the species do not occur in the project area or habitat is present and the species may occur—but the project will not affect the habitat for the species; therefore, no incremental effects exist that will cause a cumulative effect, as documented in the Biological Assessments and Evaluations and specialists' reports (see plant, wildlife, and fish sections of the project

record), with the following notations:

Fisheries: *This project involves the addition of fence to an existing livestock handling facility adjacent to the WF Potlatch River. The site may be upstream of known steelhead trout distribution. Fence to be added is interior to the structure and will facilitate livestock sorting and handling. This action will not be expected to affect the stream. The structure itself, however, and its location may be affecting the stream. The site needs to be assessed for PACFISH/INFISH compliance and moved at some point in the future if its use is resulting in adverse effects. These actions are not a part of this decision, however.*

Wildlife: *Coeur d'Alene salamanders are found in springs, seeps, waterfall spray zones and stream edges. This project area contains portions of Feather Creek and the Potlatch River. Activity at this site could possibly impact or kill individuals but will not impact the viability of Coeur d'Alene salamanders on the Forest.*

Western toads can be found in a wide range of habitats from meadows to forests but they are commonly associated with wet areas. This project area contains portions of Feather Creek and the Potlatch River. As such the 400 meter buffer contains a lot of riparian habitat. Modeled western toad habitat is a 300 foot buffer around streams (75.3 acres). Individual toads could possibly be impacted or killed but the long-term viability of western toads will not be impacted.

Plants: *There is no habitat for any plant species of concern found at the proposed expansion site, thus there are no effects to TES species.*

2. Floodplains, wetlands or municipal watersheds: The Forest Hydrologist has determined:

Floodplains: *The Project will not modify or occupy floodplains to an extent greater than already exists. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.*

Wetlands: *The Project does not propose to modify, occupy, or destroy wetlands. As such, the Project will not adversely affect wetlands; thereby complying with EO 11990 and FSH 1909.15, Chapter 30.3.2.*

Municipal Watersheds: *The Project area is not located within a municipal watershed. As such, the Project will not adversely affect municipal watersheds; thereby complying with FSH 1909.15, Chapter 30.3.2.*

The project proposes limited ground disturbing activities (fence construction) within the existing livestock facility. The project proposes constructing an interior fence in areas already disturbed and designated for this use. No ground disturbing activities will be conducted within the adjacent RHCA.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:

The project area is not located within congressionally designated wilderness areas, wilderness study areas or Wild and Scenic River corridors; therefore, no extraordinary circumstances were identified.

4. Inventoried roadless areas or potential wilderness areas:

The project is not located within any Clearwater Forest Plan Roadless areas or Idaho

Roadless areas (36 CFR 294(c)) potential wilderness areas; therefore, no extraordinary circumstances were identified.

5. Research Natural Areas:

The project area does not include land designated as a Research Natural Area; therefore, no extraordinary circumstances were identified.

6. American Indians and Alaska native religious or cultural sites and

7. Archaeological sites or historical properties or areas: Because of previous adequate inventory; or the type, location or nature of the undertaking – the Forest Cultural Resource Specialist has determined the above project has little likelihood to adversely affect historic properties. As a result, a *No Inventory Decision* has been made and the project may proceed.

8. Soils analysis:

Project site is located at the transition between an alluvial valley bottom and alluvial terrace. Mass stability hazard is low. Parent material and subsoil erosion hazard is high; however, this project will not expose parent material or subsoil. Soil and Water BMPs will be used for any ground disturbing activities.

The proposed project is within the perimeter of an old landing. It is currently impacted briefly each fall when cattle are gathered and sorted so they can be trucked to winter pasture. Additional fencing will minimally redistribute the impacts but will not alter the recurring impacts to the soil.

III. Interested and Affected Agencies, Organizations, and Persons Contacted

On September 4, 2013, the Nez Perce - Clearwater National Forests mailed letters providing information and seeking public comment to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene Tribes. Three individuals/agencies responded during the public comment period but only one individual had specific concerns regarding this project. His comments and our responses are as follows:

- **Rod Parks:** *(1) The ground disturbance and use of equipment during the construction of the two additional corrals may create the opportunity for weeds, and possibly noxious weeds, to germinate. (a) Require all disturbed ground outside the new corral construction area be seeded to native grass; (b) Require the disturbed ground outside and inside the corrals be monitored for two years and any non native plants are either pulled or herbicides are applied to eradicate any infestations.*

Our response: *Best Management Practices (BMPs) will be followed during the construction of the additional corrals. These include the removal of all mud, soil, and plant parts from off road equipment before moving into the project area to limit the spread of noxious weeds. The Forest Service plans to monitor and apply herbicide following construction and the following year.*

(2) The forest service [sic: Forest Service] paying for the materials to construct the corrals. (a) If these corrals are not for public use when the Kendrick Cattleman's Association is not using the corrals, I am against the forest service paying for the corral materials. The reason being the corrals will be a benefit only to private businesses.

Our response: *Since the corrals are on public lands, they are available for public use, as long as members of the public keep them in good condition when not in use by the Kendrick Cattleman's Association.*

I have considered all submitted comments and, based on the analyses prepared by our resource specialists, I have determined no significant issues concerning extraordinary circumstances, use of the 36 CFR 220.6(e)(9) category or Forest Plan compliance were raised. All submitted comments are located in the project record.

IV. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that it is consistent with applicable Federal laws and regulations.

National Forest Management Act and Clearwater National Forest Plan: This action is consistent with the Clearwater National Forest Plan (USDA Forest Service 1987(b)), as amended, as required by the National Forest Management Act of 1976 because it follows the standards and guidelines contained in those plans. In addition, this decision considers the best available science [36 CFR 219.35(a) (Reinstatement of the 2000 Planning Rule; 74 FR 242)].

PACFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the proposed action complies with direction regarding PACFISH because no effects to wildlife or fish species or habitat are anticipated, and minimal soil disturbance will occur.

Endangered Species Act: A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialists' reports, and determined the project is consistent with the Endangered Species Act because no effects to threatened and endangered species are anticipated.

Clean Air Act: This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) because no effects to air quality are anticipated and no prescribed burning is planned.

Clean Water Act and State Water Quality Laws: The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, and state and Federal water quality laws because it will have no significant effects to the water quality of area or downstream waters.

National Historic Preservation Act: Because of the type of project and its location, the Forest Cultural Resource Specialist has determined that it has little likelihood to adversely affect cultural properties; therefore, this project meets the Agency's

responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

Migratory Bird Treaty Act: No substantial losses of migratory bird habitat are expected from the implementation of this proposal, nor any measurable impact on neotropical migratory bird populations as a whole; therefore, the proposed action will comply with the Migratory Bird Treaty Act.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, the project complies with Executive Order 13186 because the analysis meets Agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

American Indian Treaty Rights: The Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the project, and determined the proposed action will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

Environmental Justice: The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

Prime Farm Land, Range Land, and Forest Land: The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

Energy Requirements: No unusual energy demands are required to implement the proposed action.

Other Laws or Requirements: The proposed action is consistent with all other Federal, state or local laws or requirements for the protection of the environment and cultural resources.

V. Administrative Review and Appeal Opportunities, and Implementation Date

This decision is subject to appeal. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the *Lewiston Tribune*, Lewiston, Idaho. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

USDA Forest Service, Northern Region *OR*
ATTN: Appeal Deciding Officer
P.O. Box 7669
Missoula, MT 59807

USDA Forest Service, Northern
Region
ATTN: Appeal Deciding Officer
200 East Broadway
Missoula, MT 59802

Office hours: 7:30 a.m. to 4:00 p.m., MST, M-F, excluding Federal Holidays.

Faxed appeals must be submitted to: (406) 329-3411.

Electronic appeals must be submitted to: appeals-northern-regional-office@fs.fed.us

Electronic appeals should contain the name of the project being appealed on the subject line. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project or activity specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251(c);
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project, informal resolution meetings and/or conference calls may be scheduled between the Responsible Official and the appellant. These discussions will take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: <http://www.fs.usda.gov/goto/r1-appeal-meetings>.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on but not before five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on but not before, the 15th business day following the date of the last appeal disposition.

Contact Person

Questions regarding this decision should be sent to Linda S. Helm, c/o Nez Perce – Clearwater National Forests' Supervisor's Office, 104 Airport Road, Grangeville, Idaho 83530 or by telephone at (208) 983-4285 or facsimile transmittal at (208) 983-4042, during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m. PST).

VI. Signature of Deciding Officer

for M. Taylor Sharkey

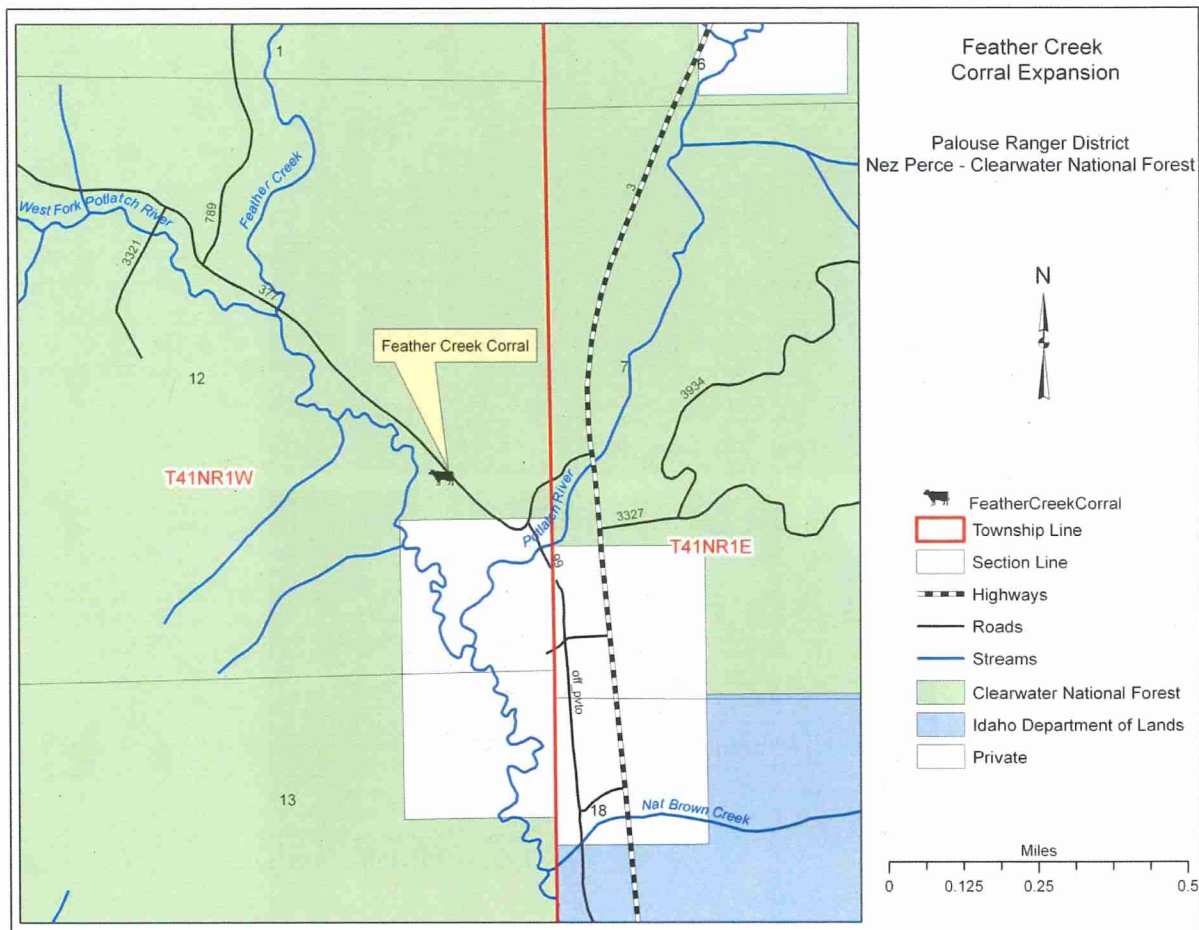
SUSAN SHAW
District Ranger
Palouse Ranger District

2/19/14
Date

Enclosures (Map, Photographs, and Design)

cc: Katlyn Howisey

MAP OF PROJECT SITE



PHOTOGRAPHS OF EXISTING CORRAL



PHOTOGRAPHS OF EXISTING CORRAL (con't)



DESIGN FOR ADDITIONS TO EXISTING CORRAL

